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Oceans and the law of the sea: sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

Brazil, Finland, Iceland, Monaco, New Zealand, Norway, Palau, Trinidad and Tobago and United States of America: draft resolution

Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The General Assembly,

Reaffirming its annual resolutions on sustainable fisheries, including resolution 63/112 of 5 December 2008, and other relevant resolutions,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea ("the Convention"),[1] and bearing in mind the relationship between the Convention and the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks ("the Agreement"),[2]

Welcoming the recent ratifications of and accessions to the Agreement and the fact that a growing number of States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, as well as subregional and regional fisheries management organizations and arrangements, have taken measures, as appropriate, towards the implementation of the provisions of the Agreement,

[1] United Nations, *Treaty Series*, vol. 1833, No. 31363.
[2] Ibid., vol. 2167, No. 37924.

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Welcoming also the work of the Food and Agriculture Organization of the United Nations and its Committee on Fisheries and the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing, adopted on 12 March 2005,[3] and recognizing that the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations ("the Code")[4] and its associated international plans of action set out principles and global standards of behaviour for responsible practices for conservation of fisheries resources and the management and development of fisheries,

Welcoming further the outcomes, including the decisions and recommendations, of the twenty-eighth session of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, held from 2 to 6 March 2009,

Noting with concern that effective management of marine capture fisheries has been made difficult in some areas by unreliable information and data caused by, inter alia, unreported and misreported fish catch and fishing effort and that this lack of accurate data contributes to overfishing in some areas,

Recognizing the significant contribution of sustainable fisheries to food security, income, wealth and poverty alleviation for present and future generations,

Recognizing also the urgent need for action at all levels to ensure the long-term sustainable use and management of fisheries resources through the wide application of the precautionary approach and ecosystem approaches,

Expressing concern over the current and projected adverse effects of climate change on food security and the sustainability of fisheries, and noting in that regard the work of the Intergovernmental Panel on Climate Change, the Food and Agriculture Organization of the United Nations and the United Nations Environment Programme,

Deploring the fact that fish stocks, including straddling fish stocks and highly migratory fish stocks, in many parts of the world are overfished or subject to sparsely regulated and heavy fishing efforts, as a result of, inter alia, illegal, unreported and unregulated fishing, inadequate flag State control and enforcement, including monitoring, control and surveillance measures, inadequate regulatory measures, harmful fisheries subsidies and overcapacity, as well as inadequate port State control, as highlighted in the report of the Food and Agriculture Organization of the United Nations, *The State of World Fisheries and Aquaculture 2008*,[5]

Concerned that a limited number of States have taken measures to implement, individually and through regional fisheries management organizations and arrangements, the International Plan of Action for the Management of Fishing Capacity adopted by the Food and Agriculture Organization of the United Nations,[6]

Recalling the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, adopted by the Food and Agriculture Organization of the United Nations,

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[3] Food and Agriculture Organization of the United Nations, *Outcome of the Ministerial Meeting on Fisheries, Rome, 12 March 2005* (CL 128/INF/11), appendix B.

[4] *International Fisheries Instruments with Index* (United Nations publication, Sales No. E.98.V.11), sect. III.

[5] Available from www.fao.org/corp/publications/en.

[6] Available from www.fao.org/fishery/publications/en.

Particularly concerned that illegal, unreported and unregulated fishing constitutes a serious threat to fish stocks and marine habitats and ecosystems, to the detriment of sustainable fisheries as well as the food security and the economies of many States, particularly developing States,

Concerned that some operators increasingly take advantage of the globalization of fishery markets to trade fishery products stemming from illegal, unreported and unregulated fishing and make economic profits from those operations, which constitutes an incentive for them to pursue their activities,

Recognizing that effective deterrence and combating of illegal, unreported and unregulated fishing has significant financial and other resource implications,

Recognizing also the duty provided in the Convention, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas ("the Compliance Agreement"),[7] the Agreement and the Code for flag States to exercise effective control over fishing vessels flying their flag, and vessels flying their flag which provide support to fishing vessels, to ensure that the activities of such fishing and support vessels do not undermine the effectiveness of conservation and management measures taken in accordance with international law and adopted at the national, subregional, regional or global levels,

Recalling paragraph 46 of its resolution 63/112, and welcoming in this regard the convening by the Food and Agriculture Organization of the United Nations of the Expert Consultation on Flag State Performance, in Rome from 23 to 26 June 2009,

Noting the obligation of all States, in accordance with international law, as reflected in the relevant provisions of the Convention, to cooperate in the conservation and management of living marine resources, and recognizing the importance of coordination and cooperation at the global, regional, subregional as well as national levels in the areas, inter alia, of marine scientific research, data collection, information-sharing, capacity-building and training for the conservation, management and sustainable development of marine living resources,

Acknowledging the importance of ocean data buoy systems moored in areas beyond national jurisdiction to sustainable development, promoting safety at sea, and limiting human vulnerability to natural disasters, due to their use in weather and marine forecasts, fisheries management, tsunami forecasts, and climate prediction; and expressing concern that most damage to ocean data buoys, such as moored buoys and tsunameters, frequently results from actions taken by some fishing operations, which renders the ocean data buoys inoperable,

Recognizing the need for States, individually and through regional fisheries management organizations and arrangements, to continue to develop and implement, consistent with international law, effective port State measures to combat overfishing and illegal, unreported and unregulated fishing, the critical need for cooperation with developing States to build their capacity, and the importance of cooperation between the Food and Agriculture Organization of the United Nations and the International Maritime Organization in this regard,

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[7] United Nations, *Treaty Series*, vol. 2221, No. 39486.

Welcoming in this regard the approval by the Conference of the Food and Agriculture Organization of the United Nations of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and its opening for signature on 22 November 2009,

Concerned that marine pollution from all sources, including vessels and, in particular, land-based sources, constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine and coastal habitats and has significant costs to local and national economies,

Recognizing that marine debris is a global transboundary pollution problem and that, due to the many different types and sources of marine debris, different approaches to their prevention and removal are necessary,

Noting that the contribution of sustainable aquaculture to global fish supplies continues to respond to opportunities in developing countries to enhance local food security and poverty alleviation and, together with the efforts of other aquaculture producing countries, will make a significant contribution to meeting future demands in fish consumption, bearing in mind article 9 of the Code,

Calling attention to the circumstances affecting fisheries in many developing States, in particular African States and small island developing States, and recognizing the urgent need for capacity-building, including the transfer of marine technology and in particular fisheries-related technology, to enhance the ability of such States to meet their obligations and exercise their rights under international instruments, in order to realize the benefits from fisheries resources,

Recognizing the need for appropriate measures to minimize by-catch, waste, discards, including high-grading, loss of fishing gear and other factors, which adversely affect fish stocks and may also have undesirable effects on the economies and food security of small island developing States, other developing coastal States, and subsistence fishing communities,

Recognizing also the need to further integrate ecosystem approaches into fisheries conservation and management and, more generally, the importance of applying ecosystem approaches to the management of human activities in the ocean, and noting in this regard the Reykjavik Declaration on Responsible Fisheries in the Marine Ecosystem,[8] the work of the Food and Agriculture Organization of the United Nations related to guidelines for the implementation of the ecosystem approach to fisheries management and the importance of this approach to relevant provisions of the Agreement and the Code, as well as decision VII/11[9] and other relevant decisions of the Conference of the Parties to the Convention on Biological Diversity,

Recognizing further the economic and cultural importance of sharks in many countries, the biological importance of sharks in the marine ecosystem as key predatory species, the vulnerability of certain shark species to overexploitation, the fact that some are threatened with extinction, the need for measures to promote the long-term conservation, management and sustainable use of shark populations and fisheries, and the relevance of the International Plan of Action for the Conservation and Management of Sharks, adopted by the Food and Agriculture Organization of

[8] E/CN.17/2002/PC.2/3, annex.

[9] See UNEP/CBD/COP/7/21, annex.

the United Nations in 1999,[6] in providing guidance on the development of such measures,

Reaffirming its support for the initiative of the Food and Agriculture Organization of the United Nations and relevant subregional and regional fisheries management organizations and arrangements on the conservation and management of sharks, and noting with concern that basic data on shark stocks and harvests continue to be lacking, that only a small number of countries have implemented the International Plan of Action for the Conservation and Management of Sharks, and that not all regional fisheries management organizations and arrangements have adopted conservation and management measures for directed shark fisheries and for the regulation of by-catch of sharks resulting from other fisheries,

Expressing concern that despite the adoption of resolution 46/215 the practice of large-scale pelagic drift-net fishing still exists and remains a threat to marine living resources,

Expressing concern also over reports of continued losses of seabirds, particularly albatrosses and petrels, as well as other marine species, including sharks, fin-fish species and marine turtles, as a result of incidental mortality in fishing operations, particularly longline fishing, and other activities, while recognizing considerable efforts by States and through various regional fisheries management organizations and arrangements to reduce by-catch in longline fishing,

I
Achieving sustainable fisheries

1. *Reaffirms* the importance it attaches to the long-term conservation, management and sustainable use of the marine living resources of the world's oceans and seas and the obligations of States to cooperate to this end, in accordance with international law, as reflected in the relevant provisions of the Convention,[1] in particular the provisions on cooperation set out in Part V and Part VII, section 2, of the Convention, and where applicable, the Agreement;[2]

2. *Encourages* States to give due priority to the implementation of the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"),[10] in relation to achieving sustainable fisheries, especially restoring depleted stocks to the level that can produce maximum sustainable yield on an urgent basis and where possible not later than 2015;

3. *Urges* States, either directly or through appropriate subregional, regional or global organizations or arrangements, to intensify efforts to assess and address, as appropriate, the impacts of global climate change on the sustainability of fish stocks and the habitats that support them;

4. *Emphasizes* the obligations of flag States to discharge their responsibilities, in accordance with the Convention and the Agreement, to ensure compliance by vessels flying their flag with the conservation and management measures adopted and in force with respect to fisheries resources on the high seas;

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[10] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

5. *Calls upon* all States that have not done so, in order to achieve the goal of universal participation, to become parties to the Convention, which sets out the legal framework within which all activities in the oceans and seas must be carried out, taking into account the relationship between the Convention and the Agreement;

6. *Also calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply widely, in accordance with international law and the Code,[4] the precautionary approach and ecosystem approaches to the conservation, management and exploitation of fish stocks, and further calls upon States Parties to the Agreement to implement fully the provisions of article 6 of the Agreement as a matter of priority;

7. *Encourages* States to increase their reliance on scientific advice in developing, adopting and implementing conservation and management measures, and to increase their efforts to promote science for conservation and management measures, including through international cooperation, that apply, in accordance with international law, the precautionary approach and ecosystem approaches to fisheries management, enhancing understanding of ecosystem approaches, in order to ensure the long-term conservation and sustainable use of marine living resources, and in this regard encourages the implementation of the Strategy for Improving Information on Status and Trends of Capture Fisheries of the Food and Agriculture Organization of the United Nations[11] as a framework for the improvement and understanding of fishery status and trends;

8. *Calls upon* all States, directly or through regional fisheries management organizations and arrangements, to apply stock-specific precautionary reference points, as described in Annex II to the Agreement and in the Code, to ensure that populations of harvested stocks, and, where necessary, associated or dependent species, are maintained at, or restored to, sustainable levels, and to use these reference points for triggering conservation and management action;

9. *Encourages* States to apply the precautionary approach and ecosystem approaches in adopting and implementing conservation and management measures addressing, inter alia, by-catch, pollution, overfishing, and protecting habitats of specific concern, taking into account existing guidelines developed by the Food and Agriculture Organization of the United Nations;

10. *Also encourages* States to enhance or develop observer programmes individually or through regional fisheries management organizations or arrangements in order to improve data collection on, inter alia, target and by-catch species, which could also assist monitoring, control and surveillance tools, and to take into account standards, forms of cooperation, and other existing structures for such programmes as described in article 25 of the Agreement and article 5 of the Code;

11. *Calls upon* States and regional fisheries management organizations and arrangements to collect and, where appropriate, report to the Food and Agriculture Organization of the United Nations required catch and effort data, and fishery-related information, in a complete, accurate and timely way, including for straddling

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[11] Food and Agriculture Organization of the United Nations, *Report of the twenty-fifth session of the Committee on Fisheries, Rome, 24-28 February 2003*, FAO Fisheries Report No. 702 (FIPL/R702 (En)), appendix II.

fish stocks and highly migratory fish stocks within and beyond areas under national jurisdiction, discrete high seas fish stocks, and by-catch and discards; and, where they do not exist, to establish processes to strengthen data collection and reporting by members of regional fisheries management organizations and arrangements, including through regular reviews of member compliance with such obligations, and, when such obligations are not met, require the member concerned to rectify the problem, including through the preparation of plans of action with timelines;

12. *Invites* States and regional fisheries management organizations and arrangements to cooperate with the Food and Agriculture Organization of the United Nations in the implementation and further development of the Fisheries Resources Monitoring System initiative;

13. *Reaffirms* paragraph 10 of resolution 61/105, and calls upon States, including through regional fisheries management organizations or arrangements, to urgently adopt measures to fully implement the International Plan of Action for the Conservation and Management of Sharks[6] for directed and non-directed shark fisheries, based on the best available scientific information, through, inter alia, limits on catch or fishing effort, by requiring that vessels flying their flag collect and regularly report data on shark catches, including species-specific data, discards and landings, undertaking, including through international cooperation, comprehensive stock assessments of sharks, reducing shark by-catch and by-catch mortality, and, where scientific information is uncertain or inadequate, not increasing fishing effort in directed shark fisheries until measures have been established to ensure the long-term conservation, management and sustainable use of shark stocks and to prevent further declines of vulnerable or threatened shark stocks;

14. *Calls upon* States to take immediate and concerted action to improve the implementation of and compliance with existing regional fisheries management organization or arrangement and national measures that regulate shark fisheries, in particular those measures which prohibit or restrict fisheries conducted solely for the purpose of harvesting shark fins, and, where necessary, to consider taking other measures, as appropriate, such as requiring that all sharks be landed with each fin naturally attached;

15. *Also calls upon* regional fisheries management organizations with the competence to regulate highly migratory species to strengthen or establish precautionary, science-based conservation and management measures, as appropriate, for sharks taken in fisheries within their convention areas consistent with the International Plan of Action for the Conservation and Management of Sharks, taking into account the Course of Actions from the second joint meeting held in San Sebastian, Spain, from 29 June to 3 July 2009;

16. *Reiterates its request* to the Food and Agriculture Organization of the United Nations to prepare a report containing a comprehensive analysis of the implementation of the International Plan of Action for the Conservation and Management of Sharks, as well as progress in implementing paragraph 11 of General Assembly resolution 62/177;

17. *Urges* States to eliminate barriers to trade in fish and fisheries products which are not consistent with their rights and obligations under the World Trade

Organization agreements, taking into account the importance of the trade in fish and fisheries products, particularly for developing countries;

18. *Urges* States and relevant international and national organizations to provide for the participation of small-scale fishery stakeholders in related policy development and fisheries management strategies in order to achieve long-term sustainability for such fisheries, consistent with the duty to ensure the proper conservation and management of fisheries resources;

II
Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

19. *Calls upon* all States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, that have not done so to ratify or accede to the Agreement and in the interim to consider applying it provisionally;

20. *Calls upon* States Parties to the Agreement to effectively implement, as a matter of priority, the provisions of the Agreement through their domestic legislation and through regional fisheries management organizations and arrangements in which they participate;

21. *Emphasizes* the importance of those provisions of the Agreement relating to bilateral, subregional and regional cooperation in enforcement, and urges continued efforts in this regard;

22. *Urges* States Parties to the Agreement, in accordance with article 21, paragraph 4, thereof to inform, either directly or through the relevant subregional or regional fisheries management organization or arrangement, all States whose vessels fish on the high seas in the same subregion or region of the form of identification issued by those States Parties to officials duly authorized to carry out boarding and inspection functions in accordance with articles 21 and 22 of the Agreement;

23. *Also urges* States Parties to the Agreement, in accordance with article 21, paragraph 4, thereof, to designate an appropriate authority to receive notifications pursuant to article 21 and to give due publicity to such designation through the relevant subregional or regional fisheries management organization or arrangement;

24. *Invites* regional fisheries management organizations and arrangements which have not yet done so to adopt procedures for high seas boarding and inspection that are consistent with articles 21 and 22 of the Agreement;

25. *Calls upon* States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements with competence over discrete high seas fish stocks, to adopt the necessary measures to ensure the long-term conservation, management and sustainable use of such stocks in accordance with the Convention and consistent with the Code and the general principles set forth in the Agreement;

26. *Invites* States to assist developing States in enhancing their participation in regional fisheries management organizations or arrangements, including by facilitating access to fisheries for straddling fish stocks and highly migratory fish stocks, in accordance with article 25, paragraph 1 (*b*), of the Agreement, taking into

account the need to ensure that such access benefits the developing States concerned and their nationals;

27. *Invites* States and international financial institutions and organizations of the United Nations system to provide assistance according to Part VII of the Agreement, including, if appropriate, the development of special financial mechanisms or instruments to assist developing States, in particular the least developed among them and small island developing States, to enable them to develop their national capacity to exploit fishery resources, including developing their domestically flagged fishing fleet, value-added processing and the expansion of their economic base in the fishing industry, consistent with the duty to ensure the proper conservation and management of fisheries resources;

28. *Notes with appreciation* the contributions made by States to the Assistance Fund established under Part VII of the Agreement, and encourages States, intergovernmental organizations, international financial institutions, national institutions and non-governmental organizations, as well as natural and juridical persons, to make further voluntary financial contributions to that Fund;

29. *Notes with satisfaction* that the Food and Agriculture Organization of the United Nations and the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat ("the Division") have taken measures to publicize the availability of assistance through the Assistance Fund, and encourages the Organization and the Division to continue their efforts in this regard;

30. *Encourages* accelerated progress by States, individually and, as appropriate, through subregional and regional fisheries management organizations and arrangements, regarding the recommendations of the Review Conference on the Agreement, held in New York from 22 to 26 May 2006,[12] and the identification of emerging priorities;

31. *Recalls* paragraph 31 of resolution 63/112 concerning the request to the Secretary-General to resume the Review Conference, convened pursuant to article 36 of the Agreement, to be held in New York from 24 to 28 May 2010;

32. *Encourages* wide participation in the resumed Review Conference, in accordance with article 36 of the Agreement;

33. *Takes note* of the report of the eighth round of informal consultations of States Parties to the Agreement, and requests that the Secretary-General, in preparing, in cooperation with the Food and Agriculture Organization of the United Nations, the updated comprehensive report referred to in paragraph 32 of resolution 63/112, take into account the specific guidance proposed by the eighth round of informal consultations of States Parties to the Agreement regarding the updated comprehensive report;

34. *Recalls* paragraph 6 of resolution 56/13, and requests the Secretary-General to convene in March 2010 a ninth round of informal consultations of States Parties to the Agreement for a duration of two days, to serve primarily as a preparatory meeting for the resumed Review Conference;

35. *Requests* the Secretary-General to prepare a draft provisional agenda and draft organization of work for the resumed Review Conference, and to circulate

[12] See A/CONF.210/2006/15.

them at the same time as the provisional agenda for the ninth round of informal consultations of States Parties to the Agreement, sixty days in advance of these consultations;

36. *Also requests* the Secretary-General to invite States, and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement, not parties to the Agreement, as well as the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Commission on Sustainable Development, the World Bank, the Global Environment Facility and other relevant international financial institutions, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant intergovernmental bodies and relevant non-governmental organizations, in accordance with past practice, to attend the ninth round of informal consultations of States Parties to the Agreement as observers;

37. *Reaffirms* its request that the Food and Agriculture Organization of the United Nations initiate arrangements with States for the collection and dissemination of data on fishing in the high seas by vessels flying their flag at the subregional and regional levels where no such arrangements exist;

38. *Also reaffirms* its request that the Food and Agriculture Organization of the United Nations revise its global fisheries statistics database to provide information on straddling fish stocks, highly migratory fish stocks and discrete high seas fish stocks on the basis of where the catch is taken;

III
Related fisheries instruments

39. *Emphasizes* the importance of the effective implementation of the provisions of the Compliance Agreement,[7] and urges continued efforts in this regard;

40. *Calls upon* all States and other entities referred to in article X, paragraph 1, of the Compliance Agreement that have not yet become parties to that Agreement to do so as a matter of priority and, in the interim, to consider applying it provisionally;

41. *Urges* States and subregional and regional fisheries management organizations and arrangements to implement and promote the application of the Code within their areas of competence;

42. *Urges* States to develop and implement, as a matter of priority, national and, as appropriate, regional plans of action to put into effect the international plans of action of the Food and Agriculture Organization of the United Nations;

43. *Encourages* the development of best practice guidelines for safety at sea in connection with marine fisheries by the competent international organizations;

IV
Illegal, unreported and unregulated fishing

44. *Emphasizes once again its serious concern* that illegal, unreported and unregulated fishing remains one of the greatest threats to marine ecosystems and continues to have serious and major implications for the conservation and

management of ocean resources, and renews its call upon States to comply fully with all existing obligations and to combat such fishing and urgently to take all necessary steps to implement the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations;[6]

45. *Urges* States to exercise effective control over their nationals, including beneficial owners, and vessels flying their flag, in order to prevent and deter them from engaging in illegal, unreported and unregulated fishing activities or supporting vessels engaging in illegal, unreported and unregulated fishing activities, including those vessels listed by regional fisheries management organizations or arrangements as engaged in those activities, and to facilitate mutual assistance to ensure that such actions can be investigated and proper sanctions imposed;

46. *Also urges* States to take effective measures, at the national, subregional, regional and global levels, to deter the activities, including illegal, unreported and unregulated fishing, of any vessel which undermines conservation and management measures that have been adopted by subregional and regional fisheries management organizations and arrangements in accordance with international law;

47. *Calls upon* States not to permit vessels flying their flag to engage in fishing on the high seas or in areas under the national jurisdiction of other States, unless duly authorized by the authorities of the States concerned and in accordance with the conditions set out in the authorization, and to take specific measures, including deterring the reflagging of vessels by their nationals, in accordance with the relevant provisions of the Convention, the Agreement and the Compliance Agreement, to control fishing operations by vessels flying their flag;

48. *Urges* States, individually and collectively through regional fisheries management organizations and arrangements, to develop appropriate processes to assess the performance of States with respect to implementing the obligations regarding fishing vessels flying their flag set out in relevant international instruments;

49. *Encourages* the Food and Agriculture Organization of the United Nations to continue its work on flag State performance, including the possibility of convening a technical consultation;

50. *Reaffirms* the need to strengthen, where necessary, the international legal framework for intergovernmental cooperation, in particular at the subregional and regional levels, in the management of fish stocks and in combating illegal, unreported and unregulated fishing, in a manner consistent with international law, and for States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to collaborate in efforts to address these types of fishing activities;

51. *Urges* regional fisheries management organizations and arrangements to further coordinate measures for combating illegal, unreported and unregulated fishing activities, such as through the development of a common list of vessels identified as engaged in illegal, unreported and unregulated fishing or the mutual recognition of the illegal, unreported and unregulated vessel lists established by each organization or arrangement;

52. *Reaffirms its call upon* States to take all necessary measures consistent with international law, without prejudice to a State's sovereignty over ports in its

territory and to reasons of force majeure or distress, including the prohibition of vessels from accessing their ports followed by a report to the flag State concerned, when there is clear evidence that they are or have been engaged in or have supported illegal, unreported and unregulated fishing, or when they refuse to give information either on the origin of the catch or on the authorization under which the catch has been made;

53. *Urges* enhanced action consistent with international law, including cooperation and coordination, to eliminate illegal, unreported and unregulated fishing by vessels flying "flags of convenience", to require that a "genuine link" be established between States and fishing vessels flying their flags, and to clarify the role of the "genuine link" in relation to the duty of States to exercise effective control over such vessels, and calls upon States to implement the 2005 Rome Declaration on Illegal, Unreported and Unregulated Fishing[3] as a matter of priority;

54. *Recognizes* the need for enhanced port State measures to combat illegal, unreported and unregulated fishing, and urges States to cooperate, in particular at the regional level and through subregional and regional fisheries management organizations and arrangements, to adopt all necessary port measures, consistent with international law taking into account article 23 of the Agreement, and to further promote the development and application of standards at the regional level;

55. *Encourages in this regard* States to consider signing and ratifying, accepting, approving or acceding to the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing of the Food and Agriculture Organization of the United Nations with a view to its early entry into force;

56. *Encourages* strengthened collaboration between the Food and Agriculture Organization of the United Nations and the International Maritime Organization, taking into account the respective competencies, mandates and experience of the two organizations, to combat illegal, unreported and unregulated fishing, particularly in improving the implementation of flag State responsibilities and port State measures;

57. *Encourages* States, with respect to vessels flying their flag, and port States, to make every effort to share data on landings and catch quotas, and in this regard encourages regional fisheries management organizations or arrangements to consider developing open databases containing such data for the purpose of enhancing the effectiveness of fisheries management;

58. *Calls upon* States to take all necessary measures to ensure that vessels flying their flag do not engage in trans-shipment of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing;

59. *Urges* States, individually and through regional fisheries management organizations and arrangements, to adopt and implement internationally agreed market-related measures in accordance with international law, including principles, rights and obligations established in World Trade Organization agreements, as called for in the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

60. *Encourages* information-sharing regarding emerging market- and trade-related measures by States and other relevant actors with appropriate international

forums, given the potential implications of these measures for all States, consistent with the established plan of work of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, and taking into account the Technical Guidelines for Responsible Fish Trade of the Food and Agriculture Organization of the United Nations;

61. *Notes* the concerns about possible connections between international organized crime and illegal fishing in certain regions of the world, and encourages States, including through the appropriate international forums and organizations, to study the causes and methods of and contributing factors to illegal fishing to increase knowledge and understanding of those possible connections, and to make the findings publicly available, bearing in mind the distinct legal regimes and remedies under international law applicable to illegal fishing and international organized crime;

V
Monitoring, control and surveillance and compliance and enforcement

62. *Calls upon* States, in accordance with international law, to strengthen implementation of or, where they do not exist, adopt comprehensive monitoring, control and surveillance measures and compliance and enforcement schemes individually and within those regional fisheries management organizations or arrangements in which they participate, in order to provide an appropriate framework for promoting compliance with agreed conservation and management measures, and further urges enhanced coordination among all relevant States and regional fisheries management organizations and arrangements in these efforts;

63. *Encourages* further work by competent international organizations, including the Food and Agriculture Organization of the United Nations and subregional and regional fisheries management organizations and arrangements, to develop guidelines on flag State control of fishing vessels;

64. *Urges* States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems, in particular to require that vessel monitoring systems be carried by all vessels fishing on the high seas as soon as practicable, recalling that paragraph 62 of resolution 63/112 urged that large-scale fishing vessels be required to carry vessel monitoring systems no later than December 2008, and to share information on fisheries enforcement matters;

65. *Calls upon* States, individually and through regional fisheries management organizations or arrangements, to strengthen or establish, consistent with national and international law, positive or negative lists of vessels fishing within the areas covered by relevant regional fisheries management organizations and arrangements in order to promote compliance with conservation and management measures and to identify products from illegal, unreported and unregulated catches, and encourages improved coordination among all States and regional fisheries management organizations and arrangements in sharing and using this information, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

66. *Welcomes* the decision of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its twenty-eighth session that the

Food and Agriculture Organization of the United Nations should develop a Comprehensive Global Record of Fishing Vessels, Refrigerated Transport Vessels, and Supply Vessels;

67. *Requests* States and relevant international bodies to develop, in accordance with international law, more effective measures to trace fish and fishery products to enable importing States to identify fish or fishery products caught in a manner that undermines international conservation and management measures agreed in accordance with international law, taking into account the special requirements of developing States and the forms of cooperation with developing States as set out in article 25 of the Agreement, and at the same time to recognize the importance of market access, in accordance with provisions 11.2.4, 11.2.5 and 11.2.6 of the Code, for fish and fishery products caught in a manner that is in conformity with such international measures;

68. *Requests* States to take the necessary measures, consistent with international law, to help to prevent fish and fishery products caught in a manner that undermines applicable conservation and management measures adopted in accordance with international law from entering international trade;

69. *Welcomes* the decision of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its twenty-eighth session that the Food and Agriculture Organization of the United Nations should develop best practice guidelines for catch documentation schemes and for traceability for consideration by the next session of the Sub-Committee on Fish Trade;

70. *Encourages* States to establish and undertake cooperative surveillance and enforcement activities in accordance with international law to strengthen and enhance efforts to ensure compliance with conservation and management measures, and prevent and deter illegal, unreported and unregulated fishing;

71. *Urges* States, directly and through regional fisheries management organizations or arrangements, to develop and adopt effective monitoring, control and surveillance measures for trans-shipment, as appropriate, in particular at-sea trans-shipment, in order to, inter alia, monitor compliance, collect and verify fisheries data, and to prevent and suppress illegal, unreported and unregulated fishing activities, in accordance with international law; and, in parallel, to encourage and support the Food and Agriculture Organization of the United Nations in studying the current practices of trans-shipment and produce a set of guidelines for this purpose;

72. *Expresses its appreciation* for financial contributions from States to improve the capacity of the existing voluntary International Monitoring, Control and Surveillance Network for Fisheries-Related Activities, and encourages States to join and actively participate in the Network and to consider supporting, when appropriate, its transformation in accordance with international law into an international unit with dedicated resources to further assist Network members, taking into account the forms of cooperation with developing States as set out in article 25 of the Agreement;

VI
Fishing overcapacity

73. *Calls upon* States to commit themselves to urgently reducing the capacity of the world's fishing fleets to levels commensurate with the sustainability of fish stocks, through the establishment of target levels and plans or other appropriate mechanisms for ongoing capacity assessment, while avoiding the transfer of fishing capacity to other fisheries or areas in a manner that undermines the sustainable management of fish stocks, including, inter alia, those areas where fish stocks are overexploited or in a depleted condition, and recognizing in this context the legitimate rights of developing States to develop their fisheries for straddling fish stocks and highly migratory fish stocks consistent with article 25 of the Agreement, article 5 of the Code, and paragraph 10 of the International Plan of Action for the Management of Fishing Capacity;[6]

74. *Reiterates its call upon* States, individually and through regional fisheries management organizations and arrangements, to ensure that the urgent actions required in the International Plan of Action for the Management of Fishing Capacity are undertaken expeditiously and that its implementation is facilitated without delay;

75. *Invites* the Food and Agriculture Organization of the United Nations to report on the state of progress in the implementation of the International Plan of Action for the Management of Fishing Capacity, as provided for in paragraph 48 of the Plan of Action;

76. *Notes* that the second joint meeting of the five regional fisheries management organizations with competence to regulate highly migratory species, held in San Sebastian, Spain, from 29 June to 3 July 2009, agreed, in its Course of Actions, that global fishing capacity for tunas has to be addressed urgently and, inter alia, in a way which recognizes the legitimate rights of developing States, in particular small island developing States, to participate in and benefit from such fisheries;

77. *Encourages* those States which are cooperating to establish subregional and regional fisheries management organizations and arrangements, taking into account the best scientific information available as well as the precautionary approach, to exercise voluntary restraint of fishing effort levels in those areas that will come under the regulation of the future organizations and arrangements until adequate regional conservation and management measures are adopted and implemented, taking into account the need to ensure the long-term conservation, management and sustainable use of the relevant fish stocks and to prevent significant adverse impacts on vulnerable marine ecosystems;

78. *Urges* States to eliminate subsidies that contribute to overfishing and overcapacity and to illegal, unreported and unregulated fishing, including through completion of World Trade Organization negotiations on fisheries subsidies in accordance with the 2001 Doha Declaration[13] and the 2005 Hong Kong Ministerial Declaration to strengthen disciplines on fisheries subsidies, taking into account the importance of the fisheries sector, including small-scale and artisanal fisheries, to developing countries;

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[13] A/C.2/56/7, annex.

VII
Large-scale pelagic drift-net fishing

79. *Reaffirms* the importance it attaches to continued compliance with its resolution 46/215 and other subsequent resolutions on large-scale pelagic drift-net fishing, and urges States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to enforce fully the measures recommended in those resolutions in order to eliminate the use of large-scale pelagic drift nets in all seas and oceans, which entails that efforts to implement resolution 46/215 should not result in the transfer to other parts of the world of drift nets that contravene that resolution;

VIII
Fisheries by-catch and discards

80. *Urges* States, subregional and regional fisheries management organizations and arrangements and other relevant international organizations that have not done so to take action, including with consideration of the interests of developing coastal States and, as appropriate, subsistence fishing communities, to reduce or eliminate by-catch, catch by lost or abandoned gear, fish discards and post-harvest losses, including juvenile fish, consistent with international law and relevant international instruments, including the Code, and in particular to consider measures including, as appropriate, technical measures related to fish size, mesh size or gear, discards, closed seasons and areas and zones reserved for selected fisheries, particularly artisanal fisheries, the establishment of mechanisms for communicating information on areas of high concentration of juvenile fish, taking into account the importance of ensuring the confidentiality of such information, and support for studies and research that will reduce or eliminate by-catch of juvenile fish, and to ensure that these measures are implemented so as to optimize their effectiveness;

81. *Welcomes* the support of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its twenty-eighth session for the development of international guidelines on by-catch management and reduction of discards, and the convening by the Food and Agriculture Organization of the United Nations of an Expert Consultation to be followed by a Technical Consultation to develop such international guidelines;

82. *Encourages* States and entities referred to in the Convention and in article 1, paragraph 2 (*b*), of the Agreement to give due consideration to participation, as appropriate, in subregional and regional instruments and organizations with mandates to conserve non-target species taken incidentally in fishing operations;

83. *Encourages* States to strengthen, if necessary, the capacity of those subregional and regional fisheries management organizations and arrangements in which they participate to ensure the adequate conservation of non-target species taken incidentally in fishing operations, taking into consideration best practices for non-target species management, and to expedite their ongoing efforts in this regard;

84. *Requests* States and regional fisheries management organizations and arrangements to urgently implement, as appropriate, the measures recommended in

the 2004 Guidelines to Reduce Sea Turtle Mortality in Fishing Operations[14] and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries of the Food and Agriculture Organization of the United Nations[6] in order to prevent the decline of sea turtles and seabird populations by minimizing by-catch and increasing post-release survival in their fisheries, including through research and development of gear and bait alternatives, promoting the use of available by-catch mitigation technology, and establishing and strengthening data-collection programmes to obtain standardized information to develop reliable estimates of the by-catch of these species;

85. *Welcomes* the decision of the Committee on Fisheries of the Food and Agriculture Organization of the United Nations at its twenty-eighth session that the Food and Agriculture Organization of the United Nations publish the best practices technical guidelines for the implementation of the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries;

86. *Notes* measures for the protection of seabirds, including those adopted at the Third Session of the Meeting of Parties to the Agreement on the Conservation of Albatrosses and Petrels, held in Bergen, Norway, from 27 April to 1 May 2009, in relation to albatrosses and petrels;

IX
Subregional and regional cooperation

87. *Urges* coastal States and States fishing on the high seas, in accordance with the Convention, the Agreement and other relevant instruments, to pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, to ensure the effective conservation and management of such stocks;

88. *Urges* States fishing for straddling fish stocks and highly migratory fish stocks on the high seas, and relevant coastal States, where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for such stocks, to give effect to their duty to cooperate by becoming members of such an organization or participants in such an arrangement, or by agreeing to apply the conservation and management measures established by such an organization or arrangement, or to otherwise ensure that no vessel flying their flag is authorized to access the fisheries resources to which regional fisheries management organizations and arrangements or conservation and management measures established by such organizations or arrangements apply;

89. *Invites*, in this regard, subregional and regional fisheries management organizations and arrangements to ensure that all States having a real interest in the fisheries concerned may become members of such organizations or participants in such arrangements, in accordance with the Convention, the Agreement and the Code;

90. *Encourages* relevant coastal States and States fishing on the high seas for a straddling fish stock or a highly migratory fish stock, where there is no

[14] Food and Agriculture Organization of the United Nations, *Report of the Technical Consultation on Sea Turtles Conservation and Fisheries, Bangkok, 29 November-2 December 2004*, FAO Fisheries Report No. 765 (FIRM/R765 (En)), appendix E.

subregional or regional fisheries management organization or arrangement to establish conservation and management measures for such stocks, to cooperate to establish such an organization or enter into another appropriate arrangement to ensure the conservation and management of such stocks, and to participate in the work of the organization or arrangement;

91. *Urges* all signatory States and other States whose vessels fish within the area of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean[15] for fishery resources covered by that Convention to become parties to that Convention as a matter of priority and, in the interim, to ensure that vessels flying their flags fully comply with the measures adopted;

92. *Encourages* signatory States and States having a real interest to become parties to the South Indian Ocean Fisheries Agreement, and urges those States to agree on and implement interim measures, including measures in accordance with paragraphs 80 and 83 to 87 of its resolution 61/105 and paragraphs 117, 119, 120, 122 and 123 of the present resolution, to ensure the conservation and management of the fisheries resources and their marine ecosystems and habitats in the area to which that Agreement applies until such time as that Agreement enters into force;

93. *Takes note* of recent efforts at the regional level to promote responsible fishing practices, including combating illegal, unreported and unregulated fishing;

94. *Welcomes with satisfaction* the adoption of the Convention on the Conservation and Management of High Seas Fisheries Resources in the South Pacific Ocean in Auckland on 14 November 2009, encourages the States and the regional economic integration organization, and the entities referred to in article 1(2)(b) of that Convention, that participated in the negotiation of that Convention, to sign that Convention when it is opened for signature on 1 February 2010, and to implement fully the voluntary interim measures that have been adopted to give effect to paragraphs 80 and 83 to 87 of its resolution 61/105 and to voluntarily restrain fishing effort and catches to avoid overexploitation of certain pelagic fisheries resources in the area to which that Convention will apply until that Convention has entered into force and conservation and management measures have been adopted;

95. *Notes with satisfaction* the progress of negotiations to establish a subregional and regional fisheries management organization in the North Pacific, and urges States having a real interest to participate in and expedite such negotiations, and to apply provisions of the Convention and the Agreement to their work, and encourages those participants to implement fully interim measures adopted in accordance with paragraphs 80 and 83 to 87 of its resolution 61/105 and paragraphs 117, 119, 120, 122 and 123 of the present resolution;

96. *Takes note* of the ongoing efforts of the members of the Indian Ocean Tuna Commission to strengthen the functioning of the Commission so that it can more effectively discharge its mandate, and invites the Food and Agriculture Organization of the United Nations to continue to provide members of the Commission with the necessary assistance to this end;

97. *Urges* further efforts by regional fisheries management organizations and arrangements, as a matter of priority, in accordance with international law, to

[15] United Nations, *Treaty Series*, vol. 2221, No. 39489.

strengthen and modernize their mandates and the measures adopted by such organizations or arrangements, and to implement modern approaches to fisheries management, as reflected in the Agreement and other relevant international instruments, relying on the best scientific information available and application of the precautionary approach and incorporating an ecosystem approach to fisheries management and biodiversity considerations, where these aspects are lacking, to ensure that they effectively contribute to long-term conservation and management and sustainable use of marine living resources;

98. *Calls upon* regional fisheries management organizations with the competence to conserve and manage highly migratory fish stocks that have not yet adopted effective conservation and management measures in line with the best scientific information available to conserve and manage stocks falling under their mandate to do so urgently;

99. *Urges* States to strengthen and enhance cooperation among existing and developing regional fisheries management organizations and arrangements in which they participate, including increased communication and further coordination of measures, such as through the holding of joint consultations, and to strengthen integration, coordination and cooperation by such regional fisheries management organizations and arrangements with other relevant fisheries organizations, regional seas arrangements and other relevant international organizations;

100. *Welcomes* the second joint meeting of the five regional fisheries management organizations with the competence to manage highly migratory species, held in San Sebastian, Spain, from 29 June to 3 July 2009, and urges those regional fisheries management organizations to take immediate measures towards implementing the Course of Actions adopted at that meeting;

101. *Urges* regional fisheries management organizations and arrangements to improve transparency and to ensure that their decision-making processes are fair and transparent, rely on the best scientific information available, incorporate the precautionary approach and ecosystem approaches, address participatory rights, including through, inter alia, the development of transparent criteria for allocating fishing opportunities which reflects, where appropriate, the relevant provisions of the Agreement, taking due account, inter alia, of the status of the relevant stocks and the respective interests in the fishery;

102. *Welcomes* the fact that a number of regional fisheries management organizations and arrangements have completed performance reviews, and encourages the implementation, as appropriate, of the recommendations of their respective reviews as a matter of priority;

103. *Urges* States, through their participation in regional fisheries management organizations and arrangements that have not done so, to undertake, on an urgent basis, performance reviews of those regional fisheries management organizations and arrangements, initiated either by the organization or arrangement itself or with external partners, including in cooperation with the Food and Agriculture Organization of the United Nations, using transparent criteria based on the provisions of the Agreement and other relevant instruments, and taking into account the best practices of regional fisheries management organizations or arrangements and, as appropriate, any set of criteria developed by States or other regional fisheries management organizations or arrangements, and encourages that

such performance reviews include some element of independent evaluation and propose means for improving the functioning of the regional fisheries management organization or arrangement, as appropriate;

104. *Encourages* regional fisheries management organizations and arrangements to make the results of those performance reviews publicly available and to discuss the results jointly;

105. *Urges* States to cooperate, taking into account those performance reviews, to develop best practice guidelines for regional fisheries management organizations and arrangements and to apply, to the extent possible, those guidelines to organizations and arrangements in which they participate;

106. *Encourages* the development of regional guidelines for States to use in establishing sanctions for non-compliance by vessels flying their flag and by their nationals, to be applied in accordance with national law, that are adequate in severity for effectively securing compliance, deterring further violations and depriving offenders of the benefits deriving from their illegal activities, as well as in evaluating their systems of sanctions to ensure that they are effective in securing compliance and deterring violations;

X
Responsible fisheries in the marine ecosystem

107. *Encourages* States to apply by 2010 the ecosystem approach, in accordance with paragraph 30 (*d*) of the Johannesburg Plan of Implementation;

108. *Also encourages* States, individually or through regional fisheries management organizations and arrangements and other relevant international organizations, to work to ensure that fisheries and other ecosystem data collection is performed in a coordinated and integrated manner, facilitating incorporation into global observation initiatives, where appropriate;

109. *Calls upon* States and regional fisheries management organizations or arrangements, working in cooperation with other relevant organizations, including the Food and Agriculture Organization of the United Nations, the Intergovernmental Oceanographic Commission, and the World Meteorological Organization, to adopt, as appropriate, measures to protect ocean data buoy systems moored in areas beyond national jurisdiction from actions that impair their operation;

110. *Encourages* States to increase scientific research in accordance with international law on the marine ecosystem;

111. *Calls upon* States, the Food and Agriculture Organization of the United Nations and other specialized agencies, subregional and regional fisheries management organizations and arrangements, where appropriate, and other appropriate intergovernmental bodies, to cooperate in achieving sustainable aquaculture, including through information exchange, developing equivalent standards on such issues as aquatic animal health and human health and safety concerns, assessing the potential positive and negative impacts of aquaculture, including socio-economics, on the marine and coastal environment, including biodiversity, and adopting relevant methods and techniques to minimize and mitigate adverse effects, and in this regard encourages the implementation of the 2007 Strategy and Outline Plan for Improving Information on Status and Trends of

Aquaculture of the Food and Agriculture Organization of the United Nations,[16] as a framework for the improvement and understanding of aquaculture status and trends;

112. *Expresses its appreciation* to the Secretary-General for the report on the actions taken by States and regional fisheries management organizations and arrangements to give effect to paragraphs 83 to 90 of its resolution 61/105;

113. *Calls upon* States to take action immediately, individually and through regional fisheries management organizations and arrangements, and consistent with the precautionary approach and ecosystem approaches, to implement the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations ("the Guidelines") in order to sustainably manage fish stocks and protect vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, from destructive fishing practices, recognizing the immense importance and value of deep sea ecosystems and the biodiversity they contain;

114. *Reaffirms* the importance of paragraphs 80 to 91 of its resolution 61/105 addressing the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep sea fish stocks and the actions called for in that resolution, and emphasizes the need for full implementation by all States and relevant regional fisheries management organizations or arrangements of their commitments under those paragraphs on an urgent basis;

115. *Recalls* that nothing in the paragraphs of its resolution 61/105 and the present resolution addressing the impacts of bottom fishing on vulnerable marine ecosystems prejudices the sovereign rights of coastal States over their continental shelf or the exercise of the jurisdiction of coastal States with respect to their continental shelf under international law as reflected in the Convention, in particular article 77;

116. *Welcomes* the important progress made by States, regional fisheries management organizations or arrangements and those States participating in negotiations to establish a regional fisheries management organization or arrangement competent to regulate bottom fisheries to implement paragraphs 80 and 83 to 87 of its resolution 61/105 and address the impacts of bottom fishing on vulnerable marine ecosystems;

117. *Also welcomes* the substantial work of the Food and Agriculture Organization of the United Nations related to the management of deep sea fisheries in the high seas and the protection of vulnerable marine ecosystems, in particular the development and adoption of the Guidelines, and urges States and regional fisheries management organizations or arrangements to ensure that their actions in sustainably managing deep sea fisheries and implementing paragraphs 80 and 83 to 87 of its resolution 61/105 and paragraphs 119, 120 and 122 to 124 of the present resolution are consistent with the Guidelines;

118. *Notes with concern* that, despite the progress made, the urgent actions called for in paragraphs 80 and 83 to 87 of its resolution 61/105 have not been sufficiently implemented in all cases;

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[16] Food and Agriculture Organization of the United Nations, *Decisions and Recommendations of the Third Session of the Sub-Committee on Aquaculture, Twenty-seventh Session of the Committee on Fisheries, Rome, 5-9 March 2007* (COFI/2007/5), appendix.

119. *Considers* that, on the basis of the review carried out in accordance with paragraph 91 of its resolution 61/105, further actions in accordance with the precautionary approach, ecosystem approaches and international law, are needed to strengthen the implementation of paragraphs 80 and 83 to 87 of its resolution 61/105 and, in this regard, calls on regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries, States participating in negotiations to establish such organizations or arrangements, and flag States to take the following urgent actions in areas beyond national jurisdiction:

(a) Conduct the assessments called for in paragraph 83 (a) of its resolution 61/105, consistent with the Guidelines, and to ensure that vessels do not engage in bottom fishing until such assessments have been carried out;

(b) Conduct further marine scientific research and use the best scientific and technical information available to identify where vulnerable marine ecosystems are known to occur or are likely to occur and adopt conservation and management measures to prevent significant adverse impacts on such ecosystems consistent with the Guidelines, or close such areas to bottom fishing until conservation and management measures have been established, as called for in paragraph 83 (c) of its resolution 61/105;

(c) Establish and implement appropriate protocols for the implementation of paragraph 83 (d) of its resolution 61/105, including definitions of what constitutes evidence of an encounter with a vulnerable marine ecosystem, in particular threshold levels and indicator species, based on the best available scientific information and consistent with the Guidelines, and taking into account any other conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems, including those based on the results of assessments carried out pursuant to paragraph 83 (a) of its resolution 61/105 and paragraph 119 (a) of the present resolution;

(d) Adopt conservation and management measures, including monitoring, control and surveillance measures, on the basis of stock assessments and the best available scientific information, to ensure the long-term sustainability of deep sea fish stocks and non-target species, and the rebuilding of depleted stocks, consistent with the Guidelines; and, where scientific information is uncertain, unreliable, or inadequate, ensure that conservation and management measures be established consistent with the precautionary approach, including measures to ensure that fishing effort, fishing capacity and catch limits, as appropriate, are at levels commensurate with the long-term sustainability of such stocks;

120. *Calls upon* flag States, members of regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries and States participating in negotiations to establish such organizations or arrangements to adopt and implement measures in accordance with paragraphs 83, 85 and 86 of its resolution 61/105, paragraph 119 of the present resolution, and international law, and consistent with the Guidelines, and not to authorize bottom fishing activities until such measures have been adopted and implemented;

121. *Recognizes* the special circumstances and requirements of developing States and the specific challenges they may face in giving full effect to certain technical aspects of the Guidelines, and that implementation by such States of paragraphs 83 to 87 of its resolution 61/105, paragraph 119 of the present resolution

and the Guidelines should proceed in a manner that gives full consideration to the section of the Guidelines on "Special Requirements of Developing Countries";

122. *Calls upon* States and regional fisheries management organizations or arrangements to enhance efforts to cooperate to collect and exchange scientific and technical data and information related to the implementation of the measures called for in the relevant paragraphs of its resolution 61/105 and the present resolution to manage deep sea fisheries in areas beyond national jurisdiction and to protect vulnerable marine ecosystems from significant adverse impacts of bottom fishing by, inter alia:

(a) Exchanging best practices and developing, where appropriate, regional standards for use by States engaged in bottom fisheries in areas beyond national jurisdiction and regional fisheries management organizations or arrangements with a view to examining current scientific and technical protocols and promoting consistent implementation of best practices across fisheries and regions, including assistance to developing States in accomplishing these objectives;

(b) Making publicly available, consistent with domestic law, assessments of whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems and the measures adopted in accordance with paragraphs 83, 85 and 86, as appropriate, of its resolution 61/105, and promoting the inclusion of this information on the websites of regional fisheries management organizations or arrangements;

(c) Submission by flag States to the Food and Agriculture Organization of the United Nations of a list of those vessels flying their flag authorized to conduct bottom fisheries in areas beyond national jurisdiction, and the measures they have adopted to give effect to the relevant paragraphs of its resolution 61/105 and the present resolution;

(d) Sharing information on vessels that are engaged in bottom fishing operations in areas beyond national jurisdiction where the flag State responsible for such vessels cannot be determined;

123. *Encourages* States and regional fisheries management organizations or arrangements to develop or strengthen data collection standards, procedures and protocols and research programmes for identification of vulnerable marine ecosystems, assessment of impacts on such ecosystems, and assessment of fishing activities on target and non-target species, consistent with the Guidelines and in accordance with the Convention, including Part XIII;

124. *Calls upon* relevant States to cooperate and make efforts to establish, as appropriate, regional fisheries management organizations or arrangements competent to regulate bottom fisheries in areas beyond national jurisdiction where there are no such organizations or arrangements;

125. *Expresses its appreciation* to the Food and Agriculture Organization of the United Nations for its important work to provide expert technical advice on the management of deep sea fisheries in areas beyond national jurisdiction and the protection of vulnerable marine ecosystems from the impacts of fishing, and encourages the Food and Agriculture Organization of the United Nations in its further work related to the implementation of the Guidelines;

126. *Welcomes* the Programme Proposal for Deep-sea Fisheries in the High Seas: Ensuring Sustainable Use of Marine Resources and Protection of Vulnerable Marine Ecosystems of the Food and Agriculture Organization of the United Nations, including the development of support tools and a database on vulnerable marine ecosystems, and invites States to support the Programme so that its elements may be finalized as a matter of priority;

127. *Invites* the Food and Agriculture Organization of the United Nations, working with other relevant international governmental organizations, to consider means to support flag States and regional fisheries management organizations or arrangements in their implementation of paragraphs 83 to 87 of its resolution 61/105, paragraphs 119 to 122 of the present resolution and the Guidelines;

128. *Requests* the Secretary-General to convene, within existing resources, within the time made available for the informal consultations on the sustainable fisheries resolution and without prejudice to future arrangements, a two-day workshop in 2011 in order to discuss implementation of paragraphs 80 and 83 to 87 of its resolution 61/105 and paragraphs 117 and 119 to 127 of the present resolution, and invite States, the Food and Agriculture Organization of the United Nations and other relevant specialized agencies, funds and programmes, subregional and regional fisheries management organizations and arrangements, other fisheries bodies, other relevant intergovernmental bodies and relevant non-governmental organizations and relevant stakeholders, in accordance with United Nations practice, to attend the workshop;

129. *Decides* to conduct a further review in 2011 of the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 80 and 83 to 87 of its resolution 61/105 and paragraphs 117 and 119 to 127 of the present resolution, with a view to ensure effective implementation of the measures and to make further recommendations, where necessary; and taking into account the discussions occurring during the workshop described in paragraph 128 of the present resolution;

130. *Requests* the Secretary-General, in cooperation with the Food and Agriculture Organization of the United Nations, to include in his report concerning fisheries to the General Assembly at its sixty-sixth session a section on the actions taken by States and regional fisheries management organizations and arrangements in response to paragraphs 80 and 83 to 87 of its resolution 61/105 and paragraphs 117 and 119 to 127 of the present resolution, and invites States and regional fisheries management organizations and arrangements to consider making such information publicly available;

131. *Encourages* accelerated progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes, and in this regard welcomes the proposed work of the Food and Agriculture Organization of the United Nations to develop technical guidelines in accordance with the Convention and the Code on the design, implementation and testing of marine protected areas for such purposes, and urges coordination and cooperation among all relevant international organizations and bodies;

132. *Urges* all States to implement the 1995 Global Programme of Action for the Protection of the Marine Environment from Land-based Activities[17] and to accelerate activity to safeguard the marine ecosystem, including fish stocks, against pollution and physical degradation;

133. *Reaffirms* the importance it attaches to paragraphs 77 to 81 of resolution 60/31 concerning the issue of lost, abandoned, or discarded fishing gear and related marine debris and the adverse impacts such debris and derelict fishing gear have on, inter alia, fish stocks, habitats and other marine species, and urges accelerated progress by States and regional fisheries management organizations and arrangements in implementing those paragraphs of the resolution;

XI
Capacity-building

134. *Reiterates* the crucial importance of cooperation by States directly or, as appropriate, through the relevant subregional and regional organizations, and by other international organizations, including the Food and Agriculture Organization of the United Nations through its FishCode programme, including through financial and/or technical assistance, in accordance with the Agreement, the Compliance Agreement, the Code and its associated international plans of action,[6] to increase the capacity of developing States to achieve the goals and implement the actions called for in the present resolution;

135. *Welcomes* the work of the Food and Agriculture Organization of the United Nations in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including the development of a code of conduct and guidelines for enhancing the contribution of small-scale fisheries to poverty alleviation and food security that include adequate provisions with regard to financial measures and capacity-building, including transfer of technology, and encourages studies for creating possible alternative livelihoods for coastal communities;

136. *Encourages* increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability;

137. *Encourages* the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in authorized fisheries activities being undertaken within areas under their national jurisdiction, in accordance with the Convention, by distant-water fishing nations in order to achieve better economic returns for developing countries from their fisheries resources within areas under their national jurisdiction and an enhanced role in regional fisheries management, as well as by enhancing the ability of developing countries to develop their own fisheries, as well as to participate in high seas fisheries, including access to such fisheries, in conformity with international law, in particular the Convention and the Agreement, and taking into account article 5 of the Code;

[17] See A/51/116, annex II.

138. *Requests* distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis, including by giving greater attention to fish processing and fish-processing facilities within the national jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources, and also the transfer of technology and assistance for monitoring, control and surveillance and compliance and enforcement within areas under the national jurisdiction of the developing coastal State providing fisheries access, taking into account the forms of cooperation set out in article 25 of the Agreement and article 5 of the Code;

139. *Encourages* States, individually and through regional fisheries management organizations and arrangements, to provide greater assistance and to promote coherence in such assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the conservation and sustainable management of fish stocks, including in designing and strengthening their domestic regulatory fisheries policies and those of regional fisheries management organizations or arrangements in their regions, and the enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the FishCode programme of the Food and Agriculture Organization of the United Nations, the World Bank's global programme on fisheries and the Global Environment Facility;

140. *Encourages* States to provide technical and financial support to developing countries to address their special requirements and challenges in implementing the 2008 International Guidelines for the Management of Deep-sea Fisheries in the High Seas of the Food and Agriculture Organization of the United Nations;

141. *Calls upon* States to promote, through continuing dialogue and the assistance and cooperation provided in accordance with articles 24 to 26 of the Agreement, further ratification of or accession to the Agreement by seeking to address, inter alia, the issue of lack of capacity and resources that might stand in the way of developing States becoming parties;

142. *Notes with appreciation* the compilation prepared by the Secretariat of the needs of developing States for capacity-building and assistance in the conservation and management of straddling fish stocks and highly migratory fish stocks and the sources of available assistance for developing States to address such needs;

143. *Encourages* States, regional fisheries management organizations and arrangements and other relevant bodies to assist developing States in the implementation of the actions called for in paragraphs 80 and 83 to 87 of its resolution 61/105 and paragraphs 113 and 119 to 124 of the present resolution;

XII
Cooperation within the United Nations system

144. *Requests* the relevant parts of the United Nations system, international financial institutions and donor agencies to support increased enforcement and

compliance capabilities for regional fisheries management organizations and their member States;

145. *Invites* the Food and Agriculture Organization of the United Nations to continue its cooperative arrangements with United Nations agencies on the implementation of the international plans of action and to report to the Secretary-General, for inclusion in his annual report on sustainable fisheries, on priorities for cooperation and coordination in this work;

XIII
Sixty-fifth session of the General Assembly

146. *Requests* the Secretary-General to bring the present resolution to the attention of all States, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, subregional and regional fisheries management organizations and relevant non-governmental organizations, and to invite them to provide the Secretary-General with information relevant to the implementation of the present resolution;

147. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments", taking into account information provided by States, relevant specialized agencies, in particular the Food and Agriculture Organization of the United Nations, and other appropriate organs, organizations and programmes of the United Nations system, subregional and regional organizations and arrangements for the conservation and management of straddling fish stocks and highly migratory fish stocks, as well as other relevant intergovernmental bodies and non-governmental organizations, and consisting, inter alia, of elements provided in relevant paragraphs in the present resolution;

148. *Decides* to include in the provisional agenda of its sixty-fifth session, under the item entitled "Oceans and the law of the sea", the sub-item entitled "Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments".